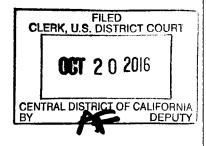
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## IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

VICTORGOMEZ-ORTIZ,

Defendant.

Case No. CR 04-1239-CAS

ORDER OF DETENTION

[Fed. R. Crim. P. 31.1(a)(6); 18 U.S.C. § 3143(a)(1)]

I.

On October 20, 2016, Defendant appeared before the Court for initial appearance on the petition and warrant for revocation of supervised release in the above-entitled matter.

The Court found that Defendant was entitled to be represented by appointed counsel based on the affidavit dated on October 20, 2016. Defendant was represented by Brian Newman, specially appearing for Mark Windsor, who was previously appointed from the indigent defense panel to represent Defendant.

1	The Court has reviewed the Pretrial Services Report and its recommendation
2	of detention, the allegations in the Violation Petition and the Government's
3	Request for Detention.
4	Pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. §
5	3143(a) following Defendant's arrest for alleged violation(s) of the terms of
6	Defendant's □ probation / ⊠ supervised release, The Court finds that :
7	A.   Defendant has not carried his burden of establishing by clear
8	and convincing evidence that Defendant will appear for further proceedings as
9	required if released [18 U.S.C. § 3142(b-c)]. This finding is based on: ⊠
10	Allegations in petition include illegally entering the United States following
11	deportation as evidenced by a conviction for illegal entry by an alien, failing to
12	report to a probation officer within 72 hours or re-entering the United States, and
13	failing to report to a probation officer within 72 hours of being arrested or
14	questioned by a law enforcement officer.
15	B.   Defendant has not carried his burden of establishing by clear
16	and convincing evidence that Defendant will not endanger the safety of any other
17	person or the community if released [18 U.S.C. § 3142(b-c)]. This finding is based
18	on:   criminal history, history of non-compliance, and subsequent
19	immigration arrest and conviction while on supervision
20	□ allegations in the Petition for Revocation
21	III.
22	IT IS THEREFORE ORDERED that the defendant be detained pending
23	further proceedings.
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25	Dated: October 20, 2016
26	<u>/s/</u>
27	ALKA SAGAR UNITED STATES MAGISTRATE JUDGE
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